

March 31, 1981

LB 56

CLERK: Mr. President, Senator Cullan moves to return LB 56 to Select File for specific amendment.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the amendment that I had distributed on your desks earlier, and I apologize that I did not get it printed in the Journal, but I had an amendment distributed to you earlier this morning. The amendment makes a few technical changes in LB 56. It does not, in my opinion, change the intent or scope of the bill in any significant way. The amendments came to me from the Nebraska Public Power District who were concerned primarily about how the mechanics of the permitting process would work. They have expressed support for the general philosophy of LB 56 but they were concerned about the mechanics and how that might affect bonding requirements and so that is the purpose of the permit, excuse me, the purpose of the amendment which I have offered. The first portion of the amendment says that the date would require some additional information to be included in the application, namely, the date when the applicant expects to first use the groundwater. The reason that we use that, that we have suggested this amendment is that the permit is automatically, not automatically, but can be revoked if the company fails to use their water right for three consecutive years. Sometimes the construction phase is longer than that period of time so we are allowing them to set a date when they expect the use to begin. So that is what that particular section of the amendment is about. The next amendment, numbered three here on the list, talks about limiting...it makes it very clear that nothing in this LB 56 limits in any way, shape or form the current powers of eminent domain which the power companies or other utilities may in fact have. We never intended to change the scope of eminent domain but we simply at the request of the power company made it more clear that LB 56 is not changing existing law as far as eminent domain is concerned. The fourth amendment has to do with revocation or suspension of the permit and it sets out the criteria for suspending or revoking the permit. In the draft of the bill as currently written, we only provide for revocation of permits. That could create some bonding problems for the power companies. I want to clarify this because we do not want to create those bonding problems and we do not want to put the power companies in the position where their permit could be revoked and you would have a billion dollar facility that would have to set idle, and that possibility alone could create some bonding problems for the power companies and so we want to make very sure that we are not creating those bonding problems. Another couple of points I